

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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SAMUEL COVELLI,  
Plaintiff,

v.

JAMES M. SCHOMIG, individually  
and as Associate Warden of Nevada's  
High Desert State Prison,  
Defendant.

2:05-CV-00204-PMP-LRL

**FINDINGS OF FACT  
AND CONCLUSIONS OF LAW**

Plaintiff's Complaint (Doc. #1), filed February 18, 2005, set forth thirteen claims for relief on behalf of several Plaintiffs and against a variety of Defendants. Lengthy litigation before this Court and before the Ninth Circuit Court of Appeals ensued, and on July 20, 2010, the remaining portions of the case proceeded to trial before a jury as to claims one through twelve, and before the Court seating without a jury as to Plaintiff's thirteenth claim for "Injunctive Relief."

On July 28, 2010, the jury returned a verdict in favor of Defendants and against Plaintiffs on all remaining claims tried before the jury. Remaining before the Court for consideration is Plaintiff Samuel Covelli's thirteenth claim for Injunctive Relief.

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1 By his claim for injunctive relief, Plaintiff Covelli seeks reinstatement to  
2 employment at the level he held as Sargent with the Nevada Department of  
3 Corrections on the date of his resignation and agreement to enter early retirement,  
4 together with full back pay and benefits. Consistent with the verdict rendered by  
5 the jury in this case, the Court finds that the evidence adduced at trial does not  
6 support Plaintiff Covelli's claim for the injunctive relief prayed for. Specifically,  
7 the Court finds that Plaintiff Covelli's resignation and agreement to enter early  
8 retirement from the Nevada Department of Corrections was not the "forced" result  
9 of unlawful practices by Defendant Schomig. Accordingly, the Court concludes  
10 that Plaintiff Covelli's Thirteenth Claim for Injunctive Relief must be denied.

11 **IT IS SO ORDERED.**

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13 DATED: August 2, 2010.

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16 PHILIP M. PRO  
17 United States District Judge  
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